2009 City of Detroit – Charter Revision Commission Package

For Tuesday, June 22, 2010 @ 6:00 p.m.

Butzel Family Center

7737 Kercheval - Detroit, Michigan 48226

Agenda and Informational Package

- I. Call to Order (6:00 P.M.) Chair,
- II. Roll Call
- III. Approval of the Minutes
- IV. Approval of Agenda
- V. Substantive Charter Review, Presentation regarding:

The Removal of Elected and Appointed Officials: Impeachment versus Forfeiture

Godfrey J. Dillard, Esq.

Adjunct Professor at Wayne State University Law School and Judge in Atlanta, GA

William Goodman, Esq.

Partner - Goodman & Hurwitz

Commission Questions and Answers Public Questions on the Presentation

- VI. Report of the Chair
- VII. Report of the Vice Chair
- VIII. Reports from Executive Director and/or General Counsel (7:20 P.M.)
- IX. Committee Reports (7:30 P.M.)
 - (a) Office Committee (no report)
 - (b) Personnel Committee (Update on AA process)
 - (c) Rules and Structure Committee (no report)
 - (d) Budget Committee (no report)
- X. Public Comments (2 minutes per person) (7:45 P.M.)
- XI. Unfinished Business
- XII. New Business
- XIII. Adjournment (8:00 P.M.)

Meeting Schedule for the Commission (June, July, August, 2010)

Tuesday, June 22, 2010 at 6:00 P.M.

Butzel Family Center 7737 Kercheval Detroit, MI 48234 (Eastside)

Topic: Removal of Office of Elected and

Appointed Officials

Tuesday, July 13, 2010 at 6:00 P.M.

Delta Sigma Theta Detroit Foundation, Inc. 24760 West Seven Mile Road Detroit, Michigan 48219 (Westside Detroit)

TOPIC: Police & Fire Commissions

Tuesday, July 27, 2010 at 6:00 P.M.

Mayflower Congregational UCC 7301 Curtis Avenue Detroit, MI 48221 (Northwest Detroit)

TOPIC: Economic Development & Planning

Tuesday, August 10, 2010 at 6:00 P.M.

Kemeny Center
2260 South Fort Street
Detroit, Michigan 48217
(Southwest Detroit)

TOPIC: Privatization

Commission E-mail Addresses

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Lamont Satchel, General Counsel Satchel@detroitmi.gov

Commission Telephone Contacts

313-628-2517 (General Line) 313-628-2514 (General Counsel) 313-628-2516 (Executive Director) 313-628-2524 (volunteer line)

Attachments: Op-ed article (Dillard) and joint article Dillard and Sedler

V. Substantive Charter Review, Presentation regarding:

The Removal of Elected and Appointed Officials: Impeachment versus Forfeiture

Panel:

Godfrey J. Dillard, Esq.

Adjunct Professor at Wayne State University Law School and Judge in Atlanta, GA

William Goodman, Esq.

Partner - Goodman & Hurwitz

Commission Questions and Answers Public Questions on the Presentation

MEMORANDUM

To: City of Detroit Charter Revision Commission

Executive Director, Gregory Hicks Lamont D. Satchel, General Counsel

Date: June 18, 2010

From:

RE: Charter History and Summary of Dismissal Proceedings

The 1918 Charter had several provisions related to the removal of officers and employees from their positions. However, these provisions were not located in a single section. In the substantial rewrite of the Detroit City Charter that resulted in the 1974 Charter, an attempt was made to codify all removal procedures into Article 2, §2-107 (Dismissal Proceedings).

Subsection 2-107(1) of the 1974 Charter provided for the recall of any elective officer provided for in the charter in the manner provided by law. This subsection was a revision of the 1918 Charter, Title 4, Ch. 1, §8 (Recall and Removal of Officers), but made no substantial change.

Subsection 2-107(2) of the 1974 Charter, entitled "Forfeiture," is a revision of several sections of the 1918 Charter, principally Title 3, Ch. 1, §§ 12(a), 12(c) and 15. Subsection 2-107(2) provides three (3) reasons for forfeiture including: (1) lack of qualifications required by law; (2) violation of a charter provision punishable by forfeiture; and (3) conviction of a felony while in office or during appointment. This section also appoints the city council as the arbiter of the grounds of forfeiture for elective officers and appointees; prevents a council member from participating in forfeiture proceedings against themselves; requires a hearing before city council for those charged with conduct constituting grounds for forfeiture; mandates public notice of the hearing in a newspaper of general circulation one week in advance of the hearing; and subjects the decision on forfeiture to a de novo judicial review.

The power granted city council in Title 3, Ch. 1, §12(a) to remove a member of city council by a 2/3 vote was removed in the 1974 Charter. Additionally, Title 3, Ch. 1, §12(c) of the 1918 Charter gave city council the power to impeach and remove elective officers and mayoral appointees. This power was also removed in the 1974 Charter. The removal of that power was based on a perceived violation of the principle of separation of powers between independent unit of government and the will of the electorate. It was noted that the appointing authority had the power to remove an appointee (with cause in some cases), and that the recall procedure for elective officers and removal power of the governor made the council's impeachment power unnecessary.

Subsection 2-107(3) (Removal for Cause) of the 1974 Charter revises and combines several sections of the 1918 Charter which dealt with separate removal procedures for each mayoral appointee and council appointee removable for cause. This subsection allows for removal of council and mayoral appointees for cause and defines cause as lack of qualifications, neglect of duties, incompetency, conviction of a felony, misconduct, violation of the charter or any rule, regulation or ordinance. The only substantial change from the 1918 Charter to this section was the addition of "habitual non-attendance" at meetings as a cause for removal for appointed commission and board members. Lastly, this section requires a public hearing and notice before removal of an appointee for cause.

The current 1997 Charter made no changes to dismissal proceedings, Article 2, §2-107.

Godfrey Joseph Dillard, Esq.

Godfrey Joseph Dillard

BIOGRAPHICAL SKETCH

Godfrey Joseph Dillard's practice is litigation and ranges from education matters to civil rights. He is also an adjunct professor at Wayne State Law School and a judge in Atlanta, Ga.

From 1979 to 1981, Dillard was a Foreign Service Officer, United States State Department, where he served as Deputy Counsel General, Democratic Republic of the Congo. He is also fluent in French.

Dillard was lead counsel for Defendant Intervenors in the University of Michigan Grutter/Gratz admission cases decided by the United States Supreme Court, which affirmed the use of affirmative action in higher education.

Dillard attended Vanderbilt University where he was the first Afro-American basketball player in the Southeast Conference. He received his Bachelor of Arts, Eastern Michigan University; Juris Doctor, University of Michigan Law School; Master of Arts in International Affairs, George Washington University; and Certificate in Foreign Law, Columbia University Law School. He is a member the Bar of the United States Supreme Court, United States Court of International Trade, State Bar of Michigan and State Bar of Georgia.

Dillard has served on the National Advisory Council, United States African Development Foundation; Greater Detroit Foreign Trade Zone; Michigan District Export Council; Wayne County Neighborhood Legal Services; and Chairperson of the International Law Section, State Bar of Michigan.

In 1999, the Michigan Lawyers Weekly named him Lawyer of the Year. In 2001, he received the Champion of Justice Award, State Bar of Michigan. In 2001, the University of Michigan bestowed on him the Leonard F. Sain Esteemed Alumni Award. He also has received the Keys to the City of Detroit and Windsor, Ontario, Canada.

THE CITY COUNCIL VERSUS KILPATRICK: IMPEACHMENT VERSUS FORFEITURE

By Godfrey J. Dillard, Esq.

What's in the name? Everything, when you try to understand the recent legal and political implosion between former Mayor Kilpatrick and the Detroit City Council. For many, Kilpatrick's confusing and sometimes bizarre behavior surrounding the whistle-blower settlement, text-messaging scandal, his indictment and ultimate tethering and jailing fit the script for his removal from office.

The confusion is bottomed on a misunderstanding of two distinctly different political processes: impeachment and forfeiture. Both involve a process by a legislative body to remove a governmental official from office. And, both involve a two-step process: charges and a trial. The key questions to correct understanding are: What is an impeachable offense? What is a forfeitable offense?

Impeachment, the most common of the two, is the broader process. The legislative body normally decides the question as to what is an impeachable offense.

Forfeiture, however, is a much narrower process. The constitution or charter spells out in specific terms what is a forfeitable offense. The legislative body does not decide the question as to what is a forfeitable offense.

The citizens of Detroit in approving the Detroit City Charter chose forfeiture, as their method of removing their mayor from office, not impeachment. This failure of understanding led most people not to realize the City Council did not have the authority to determine the charges or offenses, which constituted grounds for the mayor's removal from office.

The Charter, "in plain language," stated that the mayor could only "forfeit" his office, if he: (1) was not a citizen of Detroit and (2) had been "convicted" of a felony.

Wayne County Circuit Judge Robert Ziolkowski recognized this important distinction and ruled that the Detroit City Council did not have the legal authority to commence forfeiture proceedings against Kilpatrick.

In the end, the "rule of law" determined the outcome of this controversy, not the media, pundits or politicians.

THE CITY OF DETROIT WILL TRY TO PROTECT THE RIGHTS OF ITS CITIZENS

By Godfrey J. Dillard and Robert A. Sedler

In the controversy between the Detroit City Council and Mayor Kwame Kilpatrick over the efforts of 5 members of the Council to remove the Mayor from office, little attention has been paid to the party with the greatest interest in this controversy - the voters of the City of Detroit. The effect of the forfeiture proceedings brought against the Mayor by the Council would be to annul the results of the election that put the Mayor into office. It would also discount the fact that the voters of the City of Detroit have not organized a campaign to recall the Mayor, as they have a right to do. In short, 5 members of the Council have undertaken it upon themselves to try to remove the Mayor from office.

We have been retained by the City of Detroit Law Department as Special Counsel to represent the interests of the City of Detroit and its voters in the forfeiture proceedings. We believe, after a careful review of the applicable law and the facts, that the forfeiture proceedings are *legally invalid* and that any council action removing the Mayor will be struck down by the courts. Carrying on with the forfeiture proceedings will cost the City many hundreds of thousands of dollars that it can ill afford to spend and will generate great controversy among the citizens of Detroit. In order to prevent this harm from occurring, we will be bringing a court proceeding on behalf of the City of Detroit to obtain a judicial declaration that the forfeiture proceedings are legally invalid.

They are legally invalid for two reasons. First, the forfeiture resolution only passed by a bare majority, and was not adopted by a two-thirds vote of the City Council (6 out of 9), as is required by the Council's Rules of Order. Rule 10.14 provides that Robert's Rules of Order govern the procedures of Council, and Robert's Rule 44 provides that a two-thirds vote is required to adopt any motion that "takes away membership or office." Robert's Rule 44 has particular importance with respect to an elected official, since that official's being removed from office would annul the will of the voters who elected the official in the first place. Since the forfeiture resolution is designed to take away the office of Mayor from Kwame Kilpatrick, it constitutes a "motion that takes away office" within the meaning of the Rule, and so requires a two-thirds vote instead of a bare majority. It did not receive the two-thirds vote and so is legally invalid.

Second, the forfeiture resolution does not charge legally sufficient grounds for forfeiture. Section 2-107 of the Charter lists three grounds for forfeiture, two of which, lack of qualifications or conviction of a felony, are not relevant here. The third ground for forfeiture is that the official "violates any provision of this Charter punishable by forfeiture." Guess what. There are no provisions of the Charter, violation of which are punishable by forfeiture. The forfeiture resolution cites three provisions of the Charter that the Mayor purportedly violated, but none of these provisions says that its violation is "punishable by forfeiture." Thus, under the plain language of the Charter, the forfeiture resolution does not charge any legal basis for forfeiture.

We live under a Constitution and the rule of law. Whatever one may think about the conduct of the Mayor, the fact remains that he was elected by the voters of Detroit, and that he has not been recalled from office. There is no legal basis for the City Council to remove him from office. The City of Detroit and its residents have the right to stop Council from continuing legally invalid forfeiture proceedings, and we are representing the City in an effort to protect this right.

Godfrey J. Dillard is a Detroit civil rights attorney. Robert A. Sedler is a constitutional law professor at Wayne State University.

William Goodman, Esq.

William Goodman

CURRICULUM VITAE PROFESSIONAL EXPERIENCE

4/1/07 to present

<u>Partner</u> – Goodman & Hurwitz, in Detroit, specializing in civil rights litigation. Practice devoted almost exclusively to matters of police and law enforcement misconduct. Served as Special Counsel to the Detroit City Council, between February, 2008 and September, 2008, in its investigation of Mayor Kilpatrick's settlement of certain cases for private gain as opposed to public benefit. In this capacity, led historic public hearings relating to these issues; also, led equally historic effort on the part of the Council to remove the mayor, through proceedings before the Governor, the Honorable Jennifer Granholm.

1/08 to present

Adjunct Professor of Law – Wayne State University School of Law, Detroit, Michigan. Taught Seminar in Constitutional Theory, emphasizing issues of separation of powers, presidential war powers, scope and extent of the writ of *habeas corpus* and the issues raised by the detention of "enemy combatants" at Guantanamo Bay, Cuba. Also taught class in "civil rights litigation," exploring the limits and constraints on the actions of officials and the policies of governments – i.e. how must the plaintiffs plead and prove cases alleging violations of the United States Constitution and how defendants might defend their actions and policies.

9/1/05 to 3/31/07

<u>Legal Director</u> - Center for Constitutional Rights (CCR), New York, New York - Responsible for the direct supervision of a 14 person legal department, responsible in tandem with three other directors for the management of the entire institution, responsible for the direction of the legal direction of all 4-5 docket areas, responsible for the legal direction of certain high profile cases, e.g. coordinating Guantanamo detainees representation, the case filed in January against the President and the NSA for illegal electronic surveillance. On numerous occasions, represented CCR and its docket to the media and public about urgent issues involving civil rights and civil liberties.

3/1/03 to 9/1/05

<u>Partner</u> - Moore & Goodman, LLP, specializing in civil rights litigation. The firm represented three of the five young men wrongfully convicted in connection with the notorious ACentral Park Jogger@ case, in a civil rights case brought against the NYPD and the Manhattan D.A's Office.

In September 2003 the firm, along with CCR, settled a major class action lawsuit against the NYPD for racial profiling in stop and frisk procedures. It has also filed a major class action against the NYPD in connection with systematic First and Fourth Amendment violations during 2003 anti-war demonstrations. In addition the Moore & Goodman has filed the class action against the systematic suspension of the Bill of Rights, during the Republican Convention during August and September, 2004.

In 2004, Moore & Goodman, along with several other law firms filed an historic class action lawsuit on behalf of Vietnamese victims of Agent Orange against U.S. manufacturers. The case is on appeal to the 2nd Circuit and will most certainly be one of the major ATS cases in recent years. Moore & Goodman is lead counsel in the case.

During the first three months of 2005, I was lead counsel for Sheikh Mohammed Al Moayad for his highly prominent criminal trial, in which he was convicted of antiterrorism charges. This defendant was lured out of Yemen to Germany, where he was arrested. He was extradited to the United States, where he had never been in his life. For many and obvious reasons this is an important and cutting age case.

1/1/98 to 2/28/03 -

Legal Director - Center for Constitutional Rights, New York, New York. Responsibility for the supervision of twelve staff attorneys, four legal workers and numerous volunteers in two offices, one in New York and one in Mississippi¹, and numerous volunteers and Fellows. The supervision included all issues of intake, case development, litigation and public relations and political advocacy in a docket which was deeply involved in constitutional and civil rights law and international human rights. Directly land successfully litigated, individual and class action cases of police misconduct. Led several significant cases, including the successful case against the NYPD for racial profiling in stops and frisks. This case provided an opportunity to narrow the doctrine of *City of Los Angeles v. Lyons*.

Largely responsible for shaping CCR's docket after 9/11. In that regard the Center became involved in cases that are still a major part of its work and continue to dominate the American political scene years later. These cases included the Guantanamo detentions (*Rasul v. Bush*, etc.) and extraordinary rendition cases (*Arar v. Ashcroft*). In particular, I developed and initiated *Turkmen v. Ashcroft*. This case challenges the Bush/Ashcroft post 9/11 policies that criminalized thousands of immigrants of Middle Eastern and South Asian descent.

1970 to 1998 -

<u>Partner</u> - Goodman, Eden Millender and Bedrosian, Detroit, Michigan, the first racially integrated law partnership in the United States. Full spectrum litigation - Civil Rights litigation against police and other governmental officials; employment discrimination; toxic torts; prison and jail conditions litigation; criminal defense; medical malpractice and products liability.

Among the highlights of this period were the trial of one of the leaders of the Attica prison uprising; of civil rights leaders who were later elected to public office in Alabama, wrongfully charged with mail fraud; of hundreds of anti nuclear, anti war protesters at Williams, International, manufacturer of Cruise missiles; of labor activists during the notorious Detroit Newspaper Strike; and of hundreds of student antiwar and civil rights demonstrators during the >60s and >70s. In addition, represented the ACLU in action against the FBI for assaults on Freedom Riders in the 1960s. Also represented the NAACP in cases against the insurance industry for red lining; and against the city of Dearborn for segregationist policies.

1965 to 1970 -

<u>Associate</u> - Goodman, Crocket, Eden, Robb and Philo, Detroit, Michigan. Trial and litigation responsibilities in a wide variety of litigation, both civil and criminal.

Summer 1962 -

<u>Law Clerk</u> - Jordan, Dawley and Holt, Norfolk, Virginia, a small civil rights law firm (at the time *Jet* featured the firm as the first racially integrated law firm in the South). Drafting of pleadings and case development in desegregation cases throughout the South on behalf of the Southern Christian Leadership Council, the Student Non-violent Coordinating Committee and others.

PROFESSIONAL BOARDS AND AFFILIATIONS

1976-77 - President - National Lawyers Guild. In addition to this presidency, over the years, President of the Detroit Chapter of the National Lawyers Guild, as well as serving on its Executive Board, on a number of occasions

¹The Mississippi office of CCR closed in 2000

1999 - 2003	<u>Vice President and Board Member</u> - National Police Accountability Project, National
	Lawyers Guild
2003 - present	Board Member - Maurice and Jane Sugar Law Center for Social and Economic Justice
2003 - 2005	Board Member - NYC Chapter of the National Lawyers Guild
1995- 97 -	Board Member - Michigan Trial Lawyers Association
1980- 85 -	Board Member - Wayne County Legal Services.
1995- 1999 -	Board Member - Michigan Legal Services.
1973- 75 -	Founder and first President - Michigan Migrant Legal Action Program.

HONORS

2003	<u>Champion of Justice Award - Michigan Trial Lawyers Association.</u>
2003	Public Interest Trial Lawyer of the Year - Trial Lawyers for Public Justice
2004	Honoree - National Lawyers Guild, Detroit Chapter, Annual Dinner
2006	Honoree and Keynote Speaker - Columbia Law School Public Interest Awards Banquet

PUBLICATIONS

1988	The Rights of Prisoners to be Protected from Harm in Jails, Lockups and Prisons, William Goodman and Julie Hurwitz, Civil Rights Litigation and Attorney Fees Annual Handbook, Clark Boardman
	boardman
1992	Psychological and Punitive Damages in 1983 Cases: The Heart of the Law, William
	Goodman and Julie Hurwitz, Civil Rights Litigation and Attorney Fees Annual Handbook, Clark Boardman
2004	Mass protest, Mass Arrest and Class Certification: The Struggle For the First and Fourth Amendments in the 21st Century, William Goodman, Jonathan C. Moore and David Milton, Civil Rights Litigation and Attorney Fees Annual Handbook, Clark Boardman
2010	Damages in §1983 Cases – Jurisprudence in Search of a Mission, William Goodman, Jonathan C. Moore and David Milton, Civil Rights Litigation and Attorney Fees Annual Handbook, Clark Boardman

EDUCATION

University of Chicago J.D., 1964, University of Chicago Law Review (Associate Editor) University of Chicago A.B., 1961

ADMISSIONS

Michigan, 1965; New York, 2000 State Bars:

Federal Courts: Eastern and Western Districts, Michigan; Southern and Eastern Districts, New York: Sixth Circuit Court of Appeals; Second Circuit Court of Appeals; United

States Supreme Court

Executive Director / General Counsel Report June 22, 2010

2009 Detroit Charter Revision Commission Executive Director's Report: For June 22, 2010 Full Commission Meeting

Please note the following summary and action items for consideration by the Commission:

1) Six Month Commission report to the Community

Summary: The report summarizes the accomplishments of the Commission during the first six months as well as provides a profile of Commissioners and the Bylaws of the Commission. The report also summarizes some of the discourse around several of the critical issues discussed in regular sessions of the Commission.

Informational items: (a) Information only; the report will be distributed electronically and a limited printing will be ordered for distribution to neighborhood libraries and city facilities including the Neighborhood City Hall network. Copies will also be available for church and civic group distribution. A black & white version of the report is attached to this package.

- 2) Press Announcement for June 22, 2010 Presentations on the Removal of Elected and Appointed Officials.
- **3) Meeting Time:** Please note that the meeting is scheduled to conclude at 8:00 P.M. The Butzel Family Center is scheduled to close at 8:00 P.M.

Press Announcement

City of Detroit, Charter Revision Commission (2009) 32nd Floor, Cadillac Tower Building Detroit, Michigan 48226

2009 Charter Revision Commission: Officers Freman Hendrix, Chairman, Jenice Mitchell Ford, Vice Chair, Members: Cara J. Blount, Ken Coleman, Reggie Reg Davis, Ken Harris, Teola P. Hunter, John Johnson, Rose Mary C. Robinson Staff: Gregory Hicks, Executive Director, Lamont Satchel, General Counsel

Press Release – Detroit Charter Revision Commission The Removal of Elected and Appointed Officials: Impeachment versus Forfeiture

Tuesday, June 22, 2010 at 6:00 P.M.

Butzel Family Center

7737 Kercheval, Detroit, MI (Lower eastside Detroit)

Immediate Release June 19, 2010 Contact: Gregory Hicks 313-628-2517

Political corruption in Detroit did not start or stop with the removal of Kwame Kilpatrick from office. As far back as Mayor Pingree, some elected officials have represented the interest of big business or have sought to line their pockets over the interest of citizens. What protects the general population from political greed? Where are the rules of conduct and levels of proofs to be made to remove a corrupt official from office? The obvious place is within the basic governance document of the city: the City Charter. Removal from office can occur as a result of impeachment proceedings and /or forfeiture proceedings. Just how clear these provisions are in our current city Charter was put to the test in the last dispute between the Detroit City Council and former Mayor Kwame Kilpatrick.

Should the Charter have clear and concise language that holds elected official accountable to the people? Should the language also be clear on the method and process for removal of elected and appointed officials? The Detroit Charter Revision Commission has invited two subject experts to address these and other related issues at its June 22, 2010, meeting hosted at the Butzel Family Center, 7737 Kercheval (Detroit's lower eastside) starting at 6:00 P.M. Godfrey J. Dillard, special counsel for the city of Detroit during the Kilpatrick forfeiture proceedings and William Goodman, counsel for the Detroit City Council during the Kilpatrick forfeiture proceedings will provide their observations and recommendations about the necessary language to be included in the Detroit Charter to avoid costly legal processes leading to the removal of elected and appointed officials.

Dillard and Goodman will explore the difference between "impeachment" and "forfeiture" proceedings and how either method of removal of elected officials will protect the central interests of the public.

In the city of Detroit, after decades of fighting for the right to vote and the ability to govern its affairs, should direct voter action be regarded as more important that the actions of legislative tribunals? Should voter apathy reduce the cry for accountability and effective governance? With less than a simple majority of Detroit voters participating in regular elections should the Charter empower the legislative branch to effectively annul the will of the electorate? This discussion was at the heart of the court battles that resulted in the dismissal of forfeiture proceedings against Kwame Kilpatrick initiated by the Detroit City Council. Also, in an Executive tribunal, convened at the request of City Council, the Governor simultaneously heard evidence designed to remove Mr. Kilpatrick. What role should the Governor play in enforcing forfeiture proceedings? Should the charge and trial of local elected officials be a local matter or should the state continue to step in to place municipalities under state control in elections, financial management and operational control over local assets like water and sewerage, education and other jewels owned and operated by the city?

Does local self-determination include control over corruption and greed? The City Charter may not be able to answer all of these questions, but provisions within the Charter should contain clear and concise language to handle local emergencies and misconduct by elected officials. . .

The Detroit Charter Revision Commission will host an informational discussion on how Detroit's City Charter might proscribe the role and responsibilities of legislative tribunals like the City Council under impeachment and/or forfeiture proceedings. As the Commission is nearing the end of its article-by-article examination of the City Charter, the conduct of and the potential removal of elected officials have been identified by Detroit residents as one of the critical areas in need of clarification in the existing Charter. In recent months, the Commission has tackled issues like the Ombudsman, Inspector General and Corporation Counsel. The Commission has also scheduled discussions on the many issues surrounding the organization and effectiveness of police and fire operations, economic development and privatization of city work. The Commission will soon initiate a more interactive dialogue between residents and other city stakeholders as it approaches the detailed tasks of rewriting the Detroit City Charter.

The Charter Revision Commission is interested in understanding "best practices" and the experiences of local government on the need for and operation of Charter enabled strategies for the removal of elected officials in an overall effort to confront and eliminate corruption and encourage transparency and accountability in government. The Commission is also concerned about the quality of all services administered by elected and appointed officials and is open to suggestions about the necessary experience and standards to improve on the appointment of officials who are the conveyors of services to the residents of any municipal corporation like Detroit. The presentation and discussion will take place as part of the Commission's meeting on Tuesday, June 22, 2010 at 6:00 P.M. at the Butzel Family Center, 7737 Kercheval Avenue (near VanDyke).

The Panel will present their observations and research data on the structure and practical elements surrounding the removal of elected and appointed officials. After presentations, the members of the Charter Commission will ask questions on the presentations or topics related to the Charter revision process. Following the exchange between Commissioners and panelists Dillard and Goodman, the Commission will open the floor for public comments. If you have questions, please contact Gregory Hicks, Executive Director, Detroit Charter Revision Commission at 313-628-2517.

2009 Detroit Charter Revision Commission Six Month F	Report
	18 P a g e

2009 Detroit Charter Revision Commission General Counsel's Report: For June 22, 2010 Full Commission Meeting

City of Detroit Charter Revision Commission 65 Cadillac Tower Building, Ste. 3210 Detroit, Michigan 48226

TO: Detroit Charter Revision Commission

FROM: Lamont D. Satchel, Esq.

General Counsel

DATE: June 22, 2010

RE: General Counsel Report

Request for Attorney General Opinion

A request for an attorney general opinion regarding the appropriate entity to draw district boundaries for city council in implementation of Proposal D has been submitted to State Senator Buzz Thomas. The opinion request seeks clarity under the Home Rule City Act specifically, and any other related statute generally, as to who is responsible for initially drawing the boundaries and making subsequent apportionments.

Legal Interns

We have recently hired as voluntary legal interns Ellen Schneider, Luke Suchyta and Rachel Reed. Both Ms. Schneider and Ms. Reed have recently completed their second year at Wayne State University Law School and Mr. Suchyta is May 2010 graduate of Wayne State University Law School. They will be working for the Commission two days a week.

Pro Bono Legal Assistance

Five (5) area law firms, including Lewis & Munday (David Lewis, Esq.), Plunkett Cooney (Kenneth Lewis, Esq.), Barris, Sott, Denn & Driker (Eugene Driker), Foley & Lardner (Phil Phillip, Esq.) and Clark Hill (Reginald Turner) have agreed to provide pro bono legal services to the Charter Commission on an as needed basis. Acceptance of a legal assignment is subject to the firm's internal conflicts check and pro bono process.

CITY OF DETROIT CHARTER COMMISSION Office Committee Report June 22, 2010

(No Report)

CITY OF DETROIT CHARTER COMMISSION Personnel Committee Report June 22, 2010

CITY OF DETROIT CHARTER COMMISSION Personnel/Committee Report

Submit Date: June 20, 2010

Committee: Personnel Committee (staff draft, in lieu of report)

Committee Chair: Cara J. Blount

Members: Freman Hendrix, John Johnson, Jenice Mitchell Ford

Meeting Date: June 12, 2010

Meeting Time: 10:00 A.M. to 5:30 P.M.

Attendees: Cara Blount, Freman Hendrix, John Johnson, Gregory Hicks and Lamont

Satchel

Next Meeting: None scheduled.

The Committee called nine candidates for second round interviews. Seven candidates participated in second round interviews. The Personnel Committee is recommending three candidates for consideration for the position of Administrative Assistant: Cranford, West-Smith and Tilmon. Attached are copies of the resumes and writing samples supplied by each candidate.

Recommended Procedure: The Personnel Committee agreed to advance the list of candidates for consideration to the full Commission and request a vote of the full Commission at the next regularly scheduled meeting of the Commission, July 13, 2010. The Committee has reviewed better than 135 candidates and interviewed approximately 30 candidates for the position. Each candidate called in for interviews was asked to supply a writing sample based on a series of scenarios developed by the Committee. The scenarios asked the candidate to respond to a specific situation and provide recommendations to the Commission in association with one or more of its tasks. The writing samples were reviewed for soundness of the selection, clarity of thought and presentation.

Denise C. Cranford

15390 Birwood Detroit, Michigan 48238 (313) 861-8192 - dcheriec@msn.com

SUMMARY: I am a well experienced Executive Secretary with a B.S. in Business/Information Systems. I have a pleasant outgoing personality with past supervisory experience. I am experienced with the Microsoft Office Suite and have past knowledge of City of Detroit government.

Employment History:

12/2003 – 12/2007 **Secretary to Pharmacy Director** City of Detroit/Department of Health and Wellness Promotion/Pharmacy

Assist the Pharmacy Director with timekeeping, monthly reports, prepared minutes for meetings, statistics, PowerPoint Presentations, etc. Supervise clerical staff. Maintain contracts for employees and equipment. Manage office, schedule meetings, conferences, travel, etc. Process and distribute mail, order and maintain supplies.

04/1997 – 12/2003 **Executive Secretary** City of Detroit/Cultural Affairs Department

Create and maintain database of artists and arts organizations. Assist in creating and maintaining a cultural map of the city of Detroit. Act as the "gatekeeper" for the office and the director. Keep director's calendar, schedule meetings and screen calls. Create and maintain the Detroit Film Office: creating film database and website. Make all contacts for filmmakers to get permission to film in the City of Detroit, making contacts at most city departments. Assist filmmakers in receiving all permits and insurances to film in the city and city owned properties.

01/1978 – 04/1997 **Typist/Senior Typist** City of Detroit/Health Department

I was employed in various city clinics maintaining records, greeting and registering patients, etc. Worked as division administrator's secretary in the Food Division, Community and Industrial Hygiene, Office of Emergency Preparedness, Social Hygiene and other Health Department offices and clinics. Supervised clerical staff; assigning and distributing work, handling the more difficult assignments; preparing monthly reports, typing letters, memos, statistics, forms and inspection routes and reports. Answered phones, taking complaints and assisting the public. Review and distribution of mail for the divisions. Created first division database for monthly water testing reports.

PRIOR EMPLOYMENT SUMMARY: Scaffolding, Inc., Ross Roy, Inc., Campbell-Ewald Company, Bata

Shoe Company

EDUCATION: Bachelor of Science, Business/Information Systems

University of Phoenix Southfield, Michigan

SKILLS AND ABILITIES: Proficient in MS Word, WordPerfect, Excel, Access, PowerPoint.

Able to create and maintain an efficient and comfortable office

atmosphere.

HONORS AND ACTIVITIES: Past member of the City of Detroit Database Taskforce and the

Cultural Information Network Taskforce. Honored for services provided to the Database Taskforce by the Mayor's Office.

References upon request.

Denise C. Cranford

Detroit Charter Revision Commission

Administrative Assistant Interview Essay

Scenario No. 1

When preparing for the regularly scheduled meeting in July, as the Administrative Assistant, I will first make a list of everything that has to be done. I will verify meeting date, location and time to make sure that all reservations have been secured. I would then check with each member to see what will be needed for their input for this meeting and where their information should be included on the agenda. I would then prepare the agenda. I will also check to see what supporting documentation will be required for the meeting; such as minutes from previous meetings, including any documentation that may have been required at a previous meeting that may be needed at this meeting.

I will check with the location to find out what equipment they have for the meeting. If we are bringing equipment, I will check to make sure everything is in working order, equipped with batteries, extension cords, etc.

I will check with members to make sure that everyone is being invited and/or notified of the meeting that should be notified. I will make sure to keep all contact information as up to date as possible.

Once the agenda and all attachments are gathered, before making copies, I will make sure that the commission agrees on the final draft. I will find out approximately how many people are anticipated to attend so that a proper amount of copies can be prepared.

The day before the meeting I will check to make sure that the location is ready for the meeting and that all paperwork, presentation and audio/visual equipments are ready. If there are any last minute contacts that need to be made at the Ombudsman and Auditor General Offices, make sure they have been taken care of. Make a final check with my supervisors for any last minute changes.

The day of the meeting, gather everything, arrive early to set up and hope for a smooth meeting.

To: Detroit Charter Revision Commission

FROM: Denise C. Cranford

Administration Assistant Interview Memorandum

DATE: May 7, 2010

SUBJECT: SCENARIO NO. 2 - TRAINING VOLUNTEERS

To organize and train the volunteers for the Commission, I would first have to make sure that I understand the work that they will be doing. Since they will be volunteers, I would want to make them as comfortable as possible. The most frustrating thing for any employee is to have someone supervise them that do not understand the job. But I also understand that if they are doing the job, they may find a way to do the job that works better for them. I will be open to any suggestions to make them more comfortable.

I would make sure that they have all of the supplies that they need to do the job. If they are doing mailings, make sure that they have everything that has to go into the envelopes. Make sure that they know how to fold the letters so that they fit properly. If they are making telephone calls, make sure that they have a script to follow and give them a few scenarios and practice calls before setting them out on their own.

I would have to make sure that there is enough work to keep them busy so that they won't be sitting around waiting for an assignment. I would check on them on a regular basis to make sure that everything is going smoothly.

If budget permits, it would be nice to have coffee and a few snacks for them, so that they would want to return and help again.

Dorris Lynn Tilmon

18487 Albion Detroit, MI 48234 Phone: (313) 478-5674

e-mail: dorristilmon@yahoo.com

EDUCATION

Wayne State University, Detroit, MI - B.A. in Public Affairs, May, 1995

CERTIFICATIONS

Microsoft Office Specialist Certifications in Access, Excel, PowerPoint and Word

WORK EXPERIENCE

Office of Jewel Ware, Wayne County Commission - Legislative Aide to the Chair

- > Handled confidential calls and correspondence
- > Proofread and edited letters, proclamations and resolutions
- ➤ Maintained databases
- Addressed and resolved constituent concerns

Un Amour Bridal - Assistant Manager

- Managed payroll using Microsoft Money
- Managed vendor payments and ordering of special orders and supplies
- Customer service and dispute resolution

Wayne County Economic Development Department - Administrative Assistant to the Director

- > Handled all incoming calls and confidential correspondence
- > Wrote press releases and assisted with special events
- > Typed letters from drafts, edited newsletter, took minutes and edited speeches
- Managed hiring and processing of new employees

New Detroit, Inc. - Unit Secretary

- Performed all secretarial duties for two divisions
- Coordinated special events
- Scheduled appointments, took minutes at meetings and created reports

REFERENCES

Mr. David Tyler
Director of Administration
Economic Development, Wayne County
600 Randolph, 3rd Floor
Detroit, MI 48226

Phone: (313) 224-0752

Mr. Timothy Johnson Public Information Officer Wayne County Commission 600 Randolph, 4th Floor Detroit, MI 48226

Phone: (313) 224-0949 Scenario #1

TO: Gregory Hicks
Executive Director

Lamont Satchel General Counsel

FR: Dorris Tilmon

RE: July 13, 2010 Meeting at Triumph Baptist Church

DA: May 7, 2010

As you know, we are slated to hold a public meeting at 6:00p.m. on July 13th at the Triumph Baptist Church, located at 2550 S. Lidddesdale in Southwest Detroit to discuss both the Ombudsman and Auditor General positions.

In preparation for the meeting, I have completed the following tasks:

- ✓ Confirmed the date, time, supplies (microphones, podium, etc and room location with Pastor Kinloch's Assistant
- Created a flyer for distribution to local churches, community groups, and block clubs targeting prospective attendees.
- ✓ Made copies of Article 4, Chapter 2 (Auditor General) and Article 4, Chapter 3 (Ombudsperson) and other handouts for distribution
- Created sign-in sheets with space for contact information including e-mail as well as handouts with suggested volunteer opportunities
- Completed agenda for the meeting, submitted to Director for approval, made suggested revisions and have made the appropriate number of copies.
- ✓ Obtained quotes from three companies who are able to supply refreshments (coffee and cookies) if you choose to offer a light repast to the attendees
- ✓ Prepared a press release announcing the meeting and submitted to you for review

I have been in contact with 5 pastors from local churches in the immediate area and secured a promise that they will make an announcement each Sunday in July leading up to our July 13th meeting. Six church members from Triumph Church have agreed to assist us with registration. We will meet on Wednesday before the meeting for a training session, and again on the 17th at 4:00p.m. for the final run through. I will make sure everything is in place at that time. I have typed and edited your comments and I will have an extra copy with me, along with 3 x 5 cards and pens for writing out questions from attendees.

Let me know if there is anything else I need to take care of.

Scenario #2 (Tilmon)

TO: Gregory Hicks

Executive Director

Lamont Satchel General Counsel

FR: Dorris

RE: Strategies for Recruiting and Training Volunteers

DA: May 7, 2010

I believe that recruiting, training and retaining committed and skilled volunteers will play a significant role in furthering the work of the Detroit Charter Commission. It is vitally important to make sure our volunteers know that they are appreciated, that they are important and that we will make every effort to keep the lines of communication open and uncluttered. I would take the following steps in organizing and training volunteers:

- Contact civic organizations, community groups and churches to solicit volunteers.
- Create a form where prospective volunteers can list their availabity, specific skill sets and all contact information.
- List the areas where help is needed, i.e., staffing registration tables, clean-up, phone banking, passing out literature, inputting information into databases, etc.
- Create database (excel) to cross check skills and interests with areas where help is needed.
- Set up orientation meetings where expectations are clearly outlined, along with an overview of responsibilities. The purpose and importance of the Charter Commission, as well as the expected results will be fully explained.
- Assign volunteers in areas where they are comfortable. Duties will be plainly written and verbalized.
- Volunteer scheduling should be flexible and non-restrictive. All volunteers will have my contact number (cell phone) and instructed to give 24 hours notice if unable to fulfill their appointment.
- In training volunteers, I would use role playing as one means of instruction. I would also use one on one instructions as well as a volunteer handbook with relevant information to assist them in doing their job.
- I firmly believe that it is very important to not only instruct someone how to do a task, but to also show them by example.
- I will make sure each volunteer has the necessary training, support and tools to do their job effectively.
- Lastly, I will never ask a volunteer to perform any task that I am not willing to perform myself.

ROBIN WEST SMITH, PMP

3430 E. Jefferson, Suite 741 • Detroit, MI 48207 • 313.657.4616 • westsmith57@sbcglobal.net

CERTIFIED PROJECT MANAGER / GROWTH MANAGEMENT SPECIALIST

PMP Certified Project Manager with many years in the Information Technology and Telecommunications profession. Solid, broad and diversified technical knowledge base of business system applications supporting a large private corporation. Skilled in developing and implementing standardized policies and procedures. Seeking transition of skill sets to Growth Management and Economic Development capacity in the areas of neighborhood revitalization, community development and historic preservation.

Education

Economic Development Certificate May 2010 • Wayne State University, Detroit, MI

Master of Urban Planning in Growth Management, Dec 2009 • Wayne State University, Detroit, MI

Bachelor of Arts, Economics 2003 • Wayne State University, Detroit, MI

Continuing Education Credits • Basic Economic Development (CEcD – Course 1), (Non Profit) Program Development, Detroit Entrepreneurship Institute graduate

Computer proficiency • Microsoft Project, IBM, Cobol, JCL, SQL, Microsoft Office, Sybase, SPSS/SAS, MS DOS, OS/2, Unix

Education Projects

Historic Preservation – Lincoln Park, MI – Developed a historic preservation vision plan for the Lincoln Park Preservation Alliance and present the plan to Mayor and City Council addressing the area of Fort Street and Southfield Road.

Urban Design - West Grand Boulevard Collaborative, Detroit, MI – Developed an urban design vision and framework to guide community planning and development activities for W. Grand Boulevard from the Lodge Freeway to Grand River.

Urban Design - Capitol Park in Detroit, MI – Utilized primary observation techniques and secondary data documenting an analysis of the fundamentals of urban design focusing on key physical determinants of urban form. Areas of concentration included land use and public realm.

Project Planning - Conant/Mt Elliott Neighborhood Development Plan – Created a comprehensive neighborhood development plan focusing on community cohesion, housing improvements and economic development. Provided consult to create the Conant/Mt. Elliott Community Development Corporation and its 501c3 incorporation papers.

Neighborhood Revitalization - City of Detroit Cluster 3 Neighborhood Revitalization Plan — Conducted an analysis of a UWCS sub-community comprised of several census tracts. Provided an inventory of the neighborhood's assets and liabilities, described dimensions of change evident in the neighborhood and its issues of livability, and recommended a plan/policy strategy to accomplish revitalization.

Economic Development - Detroit Empowerment Zone – Identified accomplishments of the Empowerment Zone over the last 10 years and measured its successes within economic development. Applied various fundamental assumptions that guide economic development policy.

Research - Lower Woodward Corridor Cluster 4 - Conducted an individual study analysis of Woodward between Mack and I-75 and presented results to the City of Detroit Planning and Development Department.

PROFESSIONAL EXPERIENCE

INDEPENDENT CONSULTANT (ESI, INTERNATIONAL), 4/2008 - PRESENT

VARIOUS LOCATIONS AROUND THE MID-WEST

Conduct Project Management Training courses focusing on general projects and Information Technology projects.

- Provided direct training in managing projects both form a general perspective and information technology perspective.
- Provided direct training to multiple audiences including specific clients.
- Addressed all guestions raised by adult students.

TECHNICAL CONSULTANT (STRATEGIC STAFFING SOLUTIONS), 6/2007 - 3/2008

CITY OF DETROIT, Detroit, MI

Managing the Security Communications Alert Network (SCAN) technical design team efforts for the City of Detroit Police Department as a sub-contracting group on behalf on the City of Detroit Information Technology Services department.

- Provided technical support for the Detroit Police Management Awareness System upgrade from an interim access system to a web-server application.
 - Providing research assistance to SCAN management team when necessary.

DEPUTY DIRECTOR, 03/2006 - 10/2006

EASTSIDE INDUSTRIAL COUNCIL, Detroit, MI

Managed the organization's Business Retention and Expansion program, a groundbreaking Business Improvement District program for businesses located on the eastside of Detroit.

- Fulfilled documentation and application required for the Community Development Block Grants (CDBG)
- Commissioned public relations firm to develop brand identity for the organization

TECHNICAL CONSULTANT, 10/2004 – 01/2006

CITY OF DETROIT C/O STRATEGIC STAFFING SOLUTIONS, Detroit, MI

Direct liaison between the City's Information Technology team and the Detroit Public Safety Units interacting with multiple vendors under contract with the City of Detroit.

- Provided technical support for the City of Detroit's Emergency 911 communications system upgrade from a mainframe system to a web-server application.
- Provided technical consult on streamlining its multiple applications based on the new web-server application as the core application.

PROJECT MANAGER - ADVANCED. 2001 - 2004

ELECTRONIC DATA SYSTEMS, Detroit, MI

Managed GMNA Service Operations application for service technicians. Application consisted of over 300,000 lines of code and included an 8 person support team. Responsible for overall management activity for project direction and upgrades for the conversion from a mainframe environment to a WEB hosted environment. Maintained project activity and scheduling using MS Project.

 Managed the development and implementation of a project management workflow to provide project definition, team formation, status reporting and monitoring in a systematic manner (SEI CMM Level 3).
 Provided weekly reports to senior level management utilizing the standard reports from the SSP documentation database.

- Project Manager for the GMAC Executive Office North American infrastructure upgrade project consisting of over 500 clients in three locations, including the relocation of key GMAC Borrowings Department personnel from Detroit to New York and the multiple applications to support the business activity.
 - Project Leader responsible for all coordination activity with regard to the COE Project and the Motors Insurance Corporation, approximately 200 clients. Maintained all documentation relating to the desktop installations and billing requirements.

INFORMATION SECURITY SUPERVISOR, 1998 – 2001

ELECTRONIC DATA SYSTEMS, Detroit, MI

Leadership responsibilities for data security personnel. Working knowledge of data processing hardware and software security features, vulnerabilities and threats.

- Provide client support to GMAC IS&S to design, implement and maintain a business continuity planning guide for contingency management components that met GM ISP, GMAC ISP and EDS Security Practices standards.
- Successfully conducted three disaster recovery exercises for GMAC Financial Services Business Applications during a one year period.

PUBLISHED ARTICLES

Self-Esteem and Empowerment, Projecting Confidence and Assertiveness, Goblin Publishers, 2006 Raising African Amercian Boys, 10 Steps to Successful Step-Parenting, PWN Publishing, 2009 Removing the Mask: Living the Authentic Life, The Courage To Be Yourself, PWN Publishing, 2009 Living Your Vision and Purpose, PWN Publishing, 2009

Masters Essay: The \$1Trillion Restoration Economy – Addressing the Largest & Fastest Growing of All "New" Markets using Project Management Principles, Can this "new" emerging market be more successful by applying PM techniques?, Self-published, 2009

Memorandum

To: Gregory Hicks, Executive Director

CC: Charter Revision Commissioners

From: Robin West Smith, MUP, PMP

Date: 6/22/2010

Re: Public Charter Revision Meeting – July 13, 2010 – Southwest Detroit

Per your request, the following set of activities will need to be completed in order to adequately plan for the meeting scheduled for Tuesday, July 13, 2010 in Southwest Detroit.

We will need to ensure that location has been confirmed at least thirty days ahead of the required date. I suggest that we schedule a meeting with a representative from the Southwest Detroit Business Association, the specified church location, our audio/visual technicians, yourself and the administrative assistance. This meeting should not need to last any longer than an hour to ninety minutes. An agenda will be prepared and distributed to the necessary parties upon confirmation of the meeting attendees.

Once we have confirmation of the specified location's availability, we will need to ensure that the requested speakers are confirmed for the meeting on July 13, 2010 and determine if they will require any special assistance or presentation devices. If special presentation devices are required, the administrative assistance will need to follow up with the Commission's audio/visual technicians to ensure they are aware of the requirements. In following this confirmation, the meeting agenda will be prepared and distributed to the required parties.

If you are in agreement with the above activities, I will proceed with scheduling the first meeting of representatives from the SDBA, the requested meeting location representative, the AV technicians and yourself.

Robin West Smith, MUP, PMP

Memorandum

To: Gregory Hicks, Executive Director

CC: Charter Revision Commissioners

From: Robin West Smith, MUP, PMP

Date: 6/22/2010

Re: Activities to Organize and Train Volunteers to Support Charter Commission

Per your request, the following set of activities will need to be completed in order to adequately plan for the organization and training of volunteers to support the Charter Commission.

We will first need to identify exactly what activities and functions we will need volunteers to assist with respect to the Charter Commission. Each public meeting is designed to solicit input from the community, with the intentions of creating a respective action items list. The action items list will provide us with a roadmap of what will be incorporated into the revised city charter.

It would be beneficial that we start gathering names at the upcoming public meetings for contact at a designated point in time. We should then follow up with scheduled workshops delivered by the Administrative Assistance and Executive Director. These workshops should be conducted in four-hour blocks that occur over a two to four week period depending on the number of volunteers who have signed up to assist.

The workshops would outline the necessary requirements for the volunteers and assign the various positions within the neighborhoods to satisfy the needs of the commission and its objectives. It would be expected that volunteers who attend the workshops would be making a sincere commitment to fulfilling the obligations they sign up for and there would be monthly meetings to ensure information was being communicated effectively. The commission's office would act as the focal point for all communications for the volunteers.

Robin West Smith, MUP, PMP

CITY OF DETROIT CHARTER COMMISSION Rules and Structure Committee Report June 22, 2010

No Report

CITY OF DETROIT CHARTER COMMISSION Budget Committee Report June 22, 2010

No Report